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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/951,832	10/16/1997	CESAR Z. LINA	VAC.312B.US	2039
30159	7590 02/14/2006		EXAMINER	
ATTN: LEGAL-MANUFACTURING KINETIC CONCEPTS, INC.			HAND, MELANIE JO	
P.O. BOX 659	,		ART UNIT	PAPER NUMBER
SAN ANTONIO, TX 78265-9508			3761	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summan	08/951,832	LINA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Melanie J. Hand	3761				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION (6(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONED	l. ely filed the mailing date of this communication. 0 (35 U.S.C. § 133).				
Status	•					
1)⊠ Responsive to communication(s) filed on <u>03 No</u>	ovember 2005.					
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
· _						
4) Claim(s) 3-8,13 and 16-25 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
	7) Claim(s) is/are objected to. 8) Claim(s) <u>3-8,13 and 16-25</u> are subject to restriction and/or election requirement.					
•	nion anator election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) ☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:						
 Certified copies of the priority documents 	s have been received.					
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior		d in this National Stage				
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(e)						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal P.	atent Application (PTO-152)				
Paper No(s)/Mail Date S. Patent and Trademark Office						

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 8, 13, and 22-25 is withdrawn in view of the newly discovered reference(s) which will be set forth in a subsequent Office action as appropriate according to the species elected by applicant. Rejections based on the newly cited reference(s) will also follow in the same subsequent Office action.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: (1) a therapeutic combination for promoting wound healing comprising a porous pad, a canister, a suction pump, at least one bacterial filter, and an elastomeric film dressing, and (2) a therapeutic combination for promoting wound healing comprising a porous pad, a canister, a suction pump, <u>a</u> bacterial filter, an elastomeric film dressing, and a capacitance sensor.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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the election, applicant must indicate which are readable upon the elected species. MPEP §

809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct,

applicant should submit evidence or identify such evidence now of record showing the species

to be obvious variants or clearly admit on the record that this is the case. In either instance, if

the examiner finds one of the inventions unpatentable over the prior art, the evidence or

admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The

examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand Examiner Art Unit 3761

MJH

TATYANA ZALUKAEVA PRIMARY EXAMINER

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